

**RULES  
OF  
THE DEPARTMENT OF AGRICULTURE  
DIVISION OF PLANT INDUSTRIES**

**CHAPTER 0080-6-23  
GYPSY MOTH QUARANTINE**

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**0080-6-23-.01 ESTABLISHMENT AND PURPOSE OF QUARANTINE**

- (1) The destructive insect pest known as the gypsy moth *Lymantria dispar* (Linnaeus) has been found in Tennessee, as well as in other states. This pest can be extremely injurious to Tennessee forests and shade trees; therefore, it would be in the best interest of man, agriculture and silviculture in Tennessee that a quarantine be established against this pest.
- (2) A quarantine against the above defined pest is hereby established to regulate the movement of certain articles capable of transporting the highly destructive insect known as the gypsy moth, *Lymantria dispar* (L.), into uninfested or unregulated areas of the State, unless such articles comply with the conditions specified herein.
- (3) Gypsy moth has infested a portion of Grainger County in Tennessee. The purpose of this quarantine is to prevent the artificial spread of gypsy moth into uninfested areas of the state by regulating the movement of those articles that pose a significant threat of spreading gypsy moth.

**Authority:** T.C.A. §§43-6-104 and 43-6-106, **Administrative History:** Original rule filed January 3, 1995; effective May 31, 1995.

**0080-6-23-.02 DEFINITIONS.** For the purpose of this quarantine and regulations, the following shall mean:

- (1) Associated Equipment: Articles associated and moved with mobile homes and recreational vehicles such as, but not limited to, awnings, tents, outdoor furniture, L.P. gas containers, trailer blocks and trailer skirts.
- (2) Certificates: Certificates of inspection. Documents issued by the Commissioner of the Tennessee Department of Agriculture, to allow the movement of regulated articles to any destination. Such certificates of inspection shall be in complete compliance with the restriction noted in this quarantine.
- (3) Commissioner: The Commissioner of the Tennessee Department of Agriculture, or the Commissioner's authorized agent.
- (4) Compliance Agreements: A written agreement between a person or concern engaged in growing, dealing in moving regulated articles and the Tennessee Department of Agriculture, Division of Plant

(Rule 0080-6-23-.02, continued)

Industries, United States Department of Agriculture. or both, wherein the former agrees to comply with conditions specified in agreement to prevent the dissemination of the gypsy moth.

- (5) Infestation: The presence of the gypsy moth in any of its life stages where it is reasonably sure the pest may exist.
- (6) Inspector: Any duly designated employee, agent or representative of the Commissioner of the Tennessee Department of Agriculture authorized to enforce the provisions of this quarantine.
- (7) Limited Permit: A document issued by an inspector in accordance with a compliance agreement authorizing the movement of regulated articles to a specific destination for limited handling, utilization, processing, or treatment.
- (8) Log Yards: Locations near or in close proximity to a railroad siding, barge landing, or highway, either within or outside of the quarantined area, where any wood products with bark intact that have been cut within the quarantined area and transported to such location to await transportation to a wood-processing plant outside the quarantined area have been placed.
- (9) Mobile Home: Any vehicle, other than a recreational vehicle, designed to serve, when parked, as a dwelling or place of business.
- (10) Outdoor Household Articles: Articles associated with a household that have been kept outside the home including, but not limited-to, outdoor furniture, barbecue grills, dog houses, boats, hauling trailers, garden tools, tents, awnings, firewood and recreational vehicles and associated equipment.
- (11) Outdoor Household Article Gypsy Moth Inspection Report: Also known as OHA Document. A document used to certify outdoor household articles as having been inspected and found to be free of gypsy moth life stages. Information recorded on the document includes the location from which the outdoor household articles were moved, their destination, and a list of the articles inspected.
- (12) Person: Any corporation, partnership, firm, company, society, association, or business entity in any form, as well as any individual.
- (13) Pest: Gypsy moth in any life stage (egg, larvae, pupa, adult).
- (14) Recreational Vehicles: Highway vehicles including, but not limited to, pick-up truck campers, one-piece motor homes and camping or travel trailers designed to serve as temporary places of dwelling.
- (15) Regulated Area: Any county, other minor civil division, farm or other premises, or part thereof designated as a regulated area by this quarantine.
- (16) Regulated Articles: Gypsy moth, means of conveyance, and other products and articles of any character whatsoever the movement of which is regulated by this quarantine.

**Authority:** T.C.A. §§43-6-104 and 43-6-106. **Administrative History:** Original rule filed January 23, 1995; effective May 31, 1995.

#### **0080-6-23-.03 REGULATED AREAS.**

- (1) Any area in which the gypsy moth is known to exist which is regulated by the U. S. Department of Agriculture Gypsy Moth Quarantine (7 C.F.R. 301.45), the Tennessee Department of Agriculture Gypsy Moth Quarantine, or a gypsy moth quarantine or related legislation enacted by another state.

(Rule 0080-6-23-.03, continued)

- (2) In Tennessee, that portion of Grainger County starting at the intersection of U.S. Highway 11W and U.S. Highway 25E, then north along U.S. Highway 25E to Clinch River (Norris Lakes), then west along Clinch River (Norris Lake) to the east end of Dutch Valley Road, then west on Dutch Valley Road to Hogskin Road, then west on Hogskin Road to Union County line, then south along Union County/ Grainger County line to the Knox County/ Grainger County line, then south along Knox County/Grainger County line to Holston River, then east along Holston River to Highway 92, then north along Highway 92 to the intersection with U.S. Highway 11W, then east on U.S. Highway 11W to the intersection U.S. Highway 25E north.

**Authority:** T.C.A. §§43-6-104 and 43-6-106, **Administrative History:** Original rule filed January 23, 1995; effective May 31, 1995.

**0080-6-23-.04 REGULATED ARTICLES.** The following pests and articles shall be regulated by this quarantine:

- (1) Gypsy moth, *Lymantria dispar* (L.), in any life stage;
- (2) Trees without roots (e.g. cut Christmas trees) and both trees and shrubs with roots and persistent woody stems, except if greenhouse grown throughout the year;
- (3) Logs and pulpwood, except if moved to a mill operating under a compliance agreement;
- (4) All logging equipment;
- (5) Log yards;
- (6) Mobile homes and associated equipment;
- (7) Outdoor household articles;
- (8) Recreational vehicles; and
- (9) Any other products, articles or means of conveyance of any character whatsoever, when it is determined by an inspector that a gypsy moth in any life stage is in proximity to such articles and the articles present a threat of artificial spread of gypsy moth infestations, and the person in possession thereof has received written notification of the inspector's determination.

**Authority:** T.C.A. §§43-6-104 and 43-6-106. **Administrative History:** Original rule filed January 23, 1995; effective May 31, 1995.

**0080-6-23-.05 CONDITIONS GOVERNING THE MOVEMENT OF REGULATED ARTICLES.**

- (1) Regulated articles may not be moved from a regulated area to an unregulated area of the state unless a certificate, limited permit, or outdoor household article gypsy moth inspection report (OHA document) has been issued and attached to the regulated article in accordance with the provisions set forth in these regulations.
- (2) Regulated articles originating outside a regulated area may be moved directly through a regulated area without a certificate, limited permit, or OHA document if the point of origin is clearly indicated on the shipping document accompanying the regulated articles.

(Rule 0080-6-23-.05, continued)

**Authority:** T.C.A. §§43-6-104 and 43-6-106. **Administrative History:** Original rule filed January 23, 1995; effective May 31, 1995.

**0080-6-23-.06 ATTACHMENT OF CERTIFICATES, LIMITED PERMITS AND ORA DOCUMENTS.**

- (1) Every single article and/or every container of regulated articles, is required to have a certificate, limited permit or OHA document securely attached to the outside thereof when being moved, or offered for movement from a regulated area to an unregulated area of the state. When regulated articles are adequately described on the certificate, limited permit, it, or OHA document attached to the invoice or waybill accompanying the article(s), the attachment of a certificate, limited permit or OHA document to each container of the articles or to the article itself will not be required. Certificates, limited permits, or OHA documents attached to the invoice or waybill shall be given by the carrier to the consignee at the destination of the shipment and/or to an inspector when requested.
- (2) A copy of the OHA document must be forwarded to Tennessee Department of Agriculture, Division of Plant Industries, Ellington Agricultural Center, Box 40627, Melrose Station, Nashville, TN 37204-0627 within two weeks of the date of the actual move.

**Authority:** T.C.A. §§43-6-104 and 43-6-106. **Administrative History:** Original rule filed January 23, 1995; effective May 31, 1995.

**0080-6-23-.07 ISSUANCE OF CERTIFICATES, LIMITED PERMITS, OHA DOCUMENTS AND COMPLIANCE AGREEMENTS.**

- (1) **CERTIFICATES** - Certificates may be issued by an inspector for the movement of the regulated articles designated in this quarantine under any of the following conditions:
  - (a) When in the judgment of the inspector, they have not been exposed to gypsy moth infestation;
  - (b) When they have been examined by the inspector and found to be free of infestation;
  - (c) When they have been treated to destroy gypsy moths under the supervision of the inspector and in accordance with methods selected by him from procedures authorized by the Director of the Division of Plant Industries and known to be effective under conditions in which applied; or
  - (d) When grown, produced, manufactured, stored, or handled in such a manner that, in the judgment of the inspector, no gypsy moths would be transmitted thereby.
- (2) **Limited Permits** - Limited permits may be issued by an inspector for the movement of non-certified regulated articles to specific destinations under conditions which specify the limited handling, utilization, processing or treatment of the articles, when the inspector determines that such movement will not result in the spread of gypsy moth because the life stage(s) of the insect will be destroyed by such specified handling, utilization, processing or treatment.
- (3) **Outdoor household article gypsy moth inspection report** - OHA documents may be issued by the person moving outdoor household articles from a regulated area to an unregulated area in Tennessee if such person has inspected the outdoor articles and has found them to be free of any life stage of gypsy moth.
- (4) **Compliance agreement** - Any person engaged in the business of growing, purchasing, assembling, exchanging, handling, processing, utilizing, treating or moving regulated articles may be required to sign a compliance agreement as a condition for the issuance of certificates or permits. The agreement shall specify safeguards that will be maintained to prevent the establishment and spread of the gypsy

(Rule 0080-6-23-.07, continued)

moth. The person must comply with all conditions set forth in the agreement, such as the maintenance of identity, handling, and subsequent movement of the regulated articles, and the cleaning and treatment of means of conveyance and containers.

**Authority:** T.C.A. §§43-6-104 and 43-6-106. **Administrative History:** Original rule filed January 23, 1995; effective May 31, 1995.

**0080-6-23-.08 CANCELLATION OF CERTIFICATES, LIMITED PERMITS, OHA DOCUMENTS, OR COMPLIANCE AGREEMENTS.**

- (1) Any certificate, limited permit, OHA document, or compliance agreement which has been issued or authorized may be canceled or withdrawn by an inspector, who is supervising the enforcement of this quarantine, whenever the inspector determines that the holder of the document has failed to comply with any conditions set forth for the use of the certificate, limited permit, OHA document, or compliance agreement.

**Authority:** T.C.A. §§43-6-104 and 43-6-106. **Administrative History:** Original rule filed January 23, 1995; effective May 31, 1995.

**0080-6-23-.09 PROTECTING CERTIFIED ARTICLES.**

- (1) After certification, regulated articles must be loaded, hauled, handled, and shipped under such protection and safeguards as required by the inspector to prevent the spread of gypsy moths.

**Authority:** T.C.A. §§43-6-104 and 43-6-106. **Administrative History:** Original rule filed January 23, 1995; effective May 31, 1995.

**0080-6-23-.10 MOVEMENT OF REGULATED ARTICLES WITHIN THE REGULATED AREAS**

Regulated articles within regulated areas may be freely moved unless:

- (1) The articles originate on infested properties;
- (2) The Commissioner has determined that a hazard of a spread of infestation exists, and
- (3) The owner of the article has been so notified. An owner so notified may move the specified regulated articles within the regulated areas only under conditions approved by the Commissioner.

**Authority:** T.C.A. §§43-6-104 and 43-6-106. **Administrative History:** Original rule filed January 23, 1995; effective May 31, 1995.

**0080-6-23-.11 ASSEMBLY OF ARTICLES FOR INSPECTION.**

- (a) Any person desiring to move any regulated articles from a regulated area to an unregulated area shall submit an application to an inspector prior to the move, indicating the location of articles to be moved and the destination of such movement. The person shall then assemble such articles at such points and in such manner as the inspector shall direct to facilitate inspection. If on inspection, such movement does not represent an element of risk of a spread of infestation, a certificate will be issued. If cleaning or treatment is necessary then such procedure will be outlined by the inspector and carried out under his supervision, and certificates issued on satisfactory completion of such procedures or treatments.

(Rule 0080-6-23-.11, continued)

**Authority:** T.C.A. §§43-6-104 and 43-6-106. **Administrative History:** Original rule filed January 23, 1995; effective May 31, 1995.

**0080-6-23-.12 INSPECTION AND DISPOSAL OF REGULATED ARTICLES AND PESTS.**

- (1) The Commissioner and others authorized to perform official duties in connection with the gypsy moth quarantine are hereby authorized and empowered, upon probable cause and after displaying proper identification, to stop and search, without warrant, any person, and/or any means of conveyance moving into, within, or from the State of Tennessee, and/or any regulated article or container being moved or offered for movement by and/or upon such person and/or by or within such conveyance, for gypsy moth infestation. The Commissioner and/or other authorized persons are hereby further authorized and empowered to seize, stop sale, treat, require to be treated under state supervision, destroy, order returned to the point of origin at the owners expense, or otherwise dispose of articles found to be moving or offered for movement in violation of the gypsy moth quarantine. All chemicals used for treatment under this quarantine must be registered with both the state and federal government, and the same must be applied according to state and federal guidelines.

**Authority:** T.C.A. §§43-6-104 and 43-6-106. **Administrative History:** Original rule filed January 23, 1995; effective May 31, 1995.